



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

999 18th STREET - SUITE 300  
DENVER, COLORADO 80202-2466  
<http://www.epa.gov/region08>

Ref: 8ENF-W

MAR 20 2006

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Honorable Leonard Anderson  
Mayor, Town of Pine Bluffs  
POB 429  
Pine Bluffs, WY 82082

Re: Administrative Order  
Docket No. SDWA-08-2006-0020  
PWS ID #5600040

Dear Mayor Anderson:

Enclosed you will find an Administrative Order (Order), which the Environmental Protection Agency (EPA) has issued under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. Section 300f et seq., and its implementing regulations. Among other things, the Administrative Order finds that the Town of Pine Bluffs ("Town") is a supplier of water as defined by the SDWA and that the Town has violated the National Primary Drinking Water Regulations (NPDWRs) at 40 C.F.R. §§ 141.86(d)(4)(iii), 141.63(a)(2), 141.31(b) and 141.21(g)(1) for failing to monitor for lead and copper; exceeding the maximum contaminant level (MCL) for total coliform; and for failing to report SDWA violations to EPA. EPA recognizes that the Town has been in compliance with the total coliform MCL from November 2004 to present.

If the Town complies with the enclosed Order for a period of at least twelve months, EPA may choose to close the Order. Violating the enclosed Order may lead to (1) a penalty of up to \$32,500 per day of violation of the Order, (2) a separate such penalty for violating the regulations themselves, and/or (3) a court injunction ordering the Town to comply.

A Small Business Regulatory Enforcement and Fairness Act (SBREFA) information sheet, U.S. EPA Small Business Resources, containing information on compliance assistance resources and tools available to small businesses, is also enclosed. Small governments are also included under SBREFA, and the enclosed fact sheet discusses resources which may also be available to small governments. Also, there is a compliance assistance center for small governments, the Local Government Environmental Assistance Network (LGEAN). LGEAN can be accessed at [www.lgean.com](http://www.lgean.com) or by



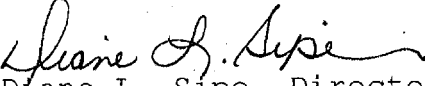
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calling (877) 865-4326. Dissemination of this information sheet does not constitute an admission or determination by EPA that the business, organization or governmental jurisdiction is a small entity as defined by SBREFA.

Please note that the effective date of the enclosed Order is the date of issuance. Within the next 10 days, please provide EPA with any new information that you believe the Agency is not aware of relating to the alleged violations in the Order. The information should be sent to Kathelene Brainich at the address on the letterhead and include the mailcode 8ENF-W, or call (800) 227-8917, extension 6481 or (303) 312-6481. If you wish to have in informal conference with EPA, you may also call or write Ms. Brainich. If you are represented by an attorney, please ask your attorney to direct any legal questions to Michelle Marcu, Enforcement Attorney, at the above 800 number, extension 6921, or at (303) 312-6921.

We urge your prompt attention to this matter.

Sincerely,

  
Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosures  
Order  
SBREFA

cc: Tom McDonough, Operator, Town of Pine Bluffs  
WY DEQ (via email)  
WY DOH (via email)





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

999 18th STREET - SUITE 300  
DENVER, COLORADO 80202-2466

Ref: 8ENF-W

MAR 20 2006

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Laramie County Commissioners  
c/o Diane Humphrey, Chair  
POB 608  
Cheyenne, WY 82001

Re: Notice of Safe Drinking Water Act  
Enforcement Action against the  
Town of Pine Bluffs, PWS ID 5600040

Dear County Commissioners:

Pursuant to Section 1414(a)(2)(B) of the Safe Drinking Water Act (SDWA), the Environmental Protection Agency (EPA) is required to notify an appropriate locally elected official of certain enforcement actions taken in a State that does not have primary enforcement authority for public water systems. The State of Wyoming does not have primary enforcement authority for public water systems under the SDWA.

An Administrative Order is being issued under Section 1414 of the SDWA to the Town of Pine Bluffs ("Town"), Pine Bluffs, Wyoming. This Order requires that the public water system take measures to return to compliance with the SDWA and the National Primary Drinking Water Regulations. The Town is in violation of 40 C.F.R. §§ 141.86(d)(4)(iii), 141.63(a)(2), 141.31(b), and 141.21(g)(1) for failing to monitor for lead and copper; exceeding the maximum contaminant level for total coliform; and for failing to report SDWA violations to EPA.

A copy of the Order is enclosed for your information. The Order does not require any response or action by the County Commission. If you have any questions regarding this Order, please contact Kathelene Brainich at (303) 312-6481.

Sincerely,

Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosure



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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

2006 MAR 20 AM 9:26

IN THE MATTER OF )  
 )  
Town of Pine Bluffs )  
Pine Bluffs, Wyoming )  
 )  
Respondent )  
 )  
Proceedings under Section 1414(g) )  
of the Safe Drinking Water Act, )  
42 U.S.C. § 300g-3(g) )  
 )

FILED  
EPA REGION VIII  
HEARING CLERK

ADMINISTRATIVE ORDER

Docket No. **SDWA-08-2006-0020**

The following Findings are made and Order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by Section 1414(g) of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300g-3(g), and its implementing regulations, as properly delegated to the Supervisors of the Technical and Legal Enforcement Programs of the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8.

FINDINGS

1. The Town of Pine Bluffs (Respondent) is a municipality and therefore a "person" within the meaning of 40 C.F.R. § 141.2.
2. Respondent owns and/or operates a system, the Town of Pine Bluffs Water System (the System), located in Laramie County, Wyoming for the provision to the public of piped water for human consumption.
3. The System has at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents and is therefore a "public water

system" within the meaning of Section 1401(4) of the Act, 42 U.S.C. § 300f(4), and a "community water system" within the meaning of 40 C.F.R. § 141.2.

4. Respondent owns and/or operates a public water system and is therefore a "supplier of water" within the meaning of Section 1401(5) of the Act, 42 U.S.C. § 300f(5), and 40 C.F.R. § 141.2. Respondent is therefore subject to the requirements of Part B of the Act, 42 U.S.C. § 300g et seq., and its implementing regulations, 40 C.F.R. part 141, also known as the National Primary Drinking Water Regulations (NPDWRs).
5. According to a March 3, 2003 sanitary survey by an agent for EPA, the System is supplied by a groundwater source consisting of five wells treated by chlorination. The System serves approximately 1,050 persons through 600 service connections.

#### FINDINGS OF VIOLATION

##### I.

1. 40 C.F.R. § 141.86(d)(4)(iii) requires community and non-transient, non-community water systems to monitor tap water every three years for lead and copper after initial and annual monitoring has been completed.

2. Respondent monitored for lead and copper in September 2002 but failed to monitor in 2005, in violation of 40 C.F.R. § 141.86(d)(4)(iii).

II.

1. 40 C.F.R. § 141.21 requires community public water systems serving a population of 1,001 to 2,500 to monitor their water at least twice per month to determine compliance with the maximum contaminant level (MCL) for total coliform bacteria as stated in 40 C.F.R. § 141.63.
2. 40 C.F.R. § 141.63(a)(2) imposes and defines the MCL for total coliform bacteria, applicable to public water systems collecting fewer than 40 samples per month, as prohibiting more than one sample collected during the month from being positive for total coliform bacteria.
3. Monitoring results submitted by Respondent for the public water system during October 2004, September 2003, and November and June 2002 exceeded the MCL for total coliform bacteria, in violation of 40 C.F.R. § 141.63(a)(2).

III.

1. 40 C.F.R. § 141.31(b) requires public water systems to report any failure to comply with any NPDWR to EPA within 48 hours.

2. Respondent failed to report to EPA the noncompliance detailed in Section I, in violation of 40 C.F.R. § 141.31(b).

IV.

1. 40 C.F.R. § 141.21(g)(1) requires a public water system that has exceeded the MCL for total coliform in 40 C.F.R. § 141.63 to report the violation to EPA no later than the end of the next business day after it learns of the violation.
2. Respondent failed to report to EPA the violations detailed in Section II, in violation of 40 C.F.R. § 141.21(g)(1).

ORDER

Based on the foregoing Findings, and pursuant to Section 1414(g) of the Act, IT IS ORDERED:

1. During the period of June 1 through September 30, 2006, Respondent shall monitor the water for lead and copper as required by 40 C.F.R. § 141.86(d)(4)(iii). Thereafter, Respondent shall monitor the water for lead and copper in accordance with 40 C.F.R. § 141.86. Respondent shall report analytical results to EPA in accordance with 40 C.F.R. § 141.90(a).

2. Upon the effective date of this Order, Respondent shall comply with the total coliform bacteria MCLs as stated at 40 C.F.R. § 141.63.
3. Except where a different reporting period is specified in paragraph 4 below, upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.31(b) by reporting any failure to comply with any NPDWR (40 C.F.R. Part 141) to EPA within 48 hours.
4. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.21(g)(1) by reporting any total coliform MCL violation under 40 C.F.R. § 141.63 to EPA no later than the end of the next business day after Respondent learns of the violation.
5. Reporting requirements specified in this Order shall be provided by certified mail to:

U.S. EPA Region 8 (8P-W-MS)  
999 18th Street, Suite 300  
Denver, CO 80202-2466

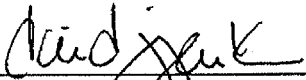
GENERAL PROVISIONS

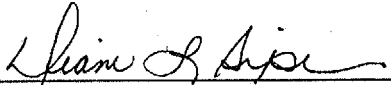
1. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1 et seq., or the Safe Drinking Water Act, which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the Act.



2. Violation of any term of this Order may subject the Respondents to an administrative civil penalty of up to \$27,500 under Section 1414(g)(3)(B) of the Act, 42 U.S.C. § 300g-3(g)(3)(B), or a civil penalty of not more than \$32,500 per day of violation assessed by an appropriate U.S. District Court under Section 1414(g)(3)(C) of the Act, 42 U.S.C. § 300g-3(g)(3)(C).
3. Violation of any requirement of the SDWA or its implementing regulations may subject Respondents to a civil penalty of not more than \$32,500 per day of violation assessed by an appropriate U.S. District Court under Section 1414(b) of the Act, 42 U.S.C. § 300g-3(b).
4. The effective date of this Order shall be the date of issuance of this Order.

Issued this 20th day of March, 2006.

  
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Michael T. Risner, Director  
David J. Janik, Supervisory Attorney  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

  
\_\_\_\_\_  
Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice



*Office of Enforcement and Compliance Assurance*  
**INFORMATION SHEET**

## U. S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance and tools to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

### Hotlines, Helplines and Clearinghouses

EPA sponsors approximately 89 free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements.

The National Environmental Compliance Assistance Clearinghouse provides quick access to compliance assistance tools, contacts, and planned activities from the U.S. EPA, states, and other compliance assistance providers:  
[www.epa.gov/clearinghouse](http://www.epa.gov/clearinghouse)

Pollution Prevention Clearinghouse  
[www.epa.gov/opptintr/library/ppicindex.htm](http://www.epa.gov/opptintr/library/ppicindex.htm)

EPA's Small Business Ombudsman Hotline provides regulatory and technical assistance information.  
(800) 368-5888

Emergency Planning and Community Right-To-Know Act  
(800) 424-9346

National Response Center (to report oil and hazardous substance spills)  
(800) 424-8802

Toxics Substances and Asbestos Information  
(202) 554-1404

Safe Drinking Water  
(800) 426-4791

Stratospheric Ozone Refrigerants Information  
(800) 296-1996

Clean Air Technology Center  
(919) 541-0800

Wetlands Helpline  
(800) 832-7828

### EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

EPA's Home Page  
[www.epa.gov](http://www.epa.gov)

Small Business Assistance Program  
[www.epa.gov/ttn/sbap](http://www.epa.gov/ttn/sbap)

Compliance Assistance Home Page  
[www.epa.gov/compliance/assistance](http://www.epa.gov/compliance/assistance)

Office of Enforcement and Compliance Assurance  
[www.epa.gov/compliance](http://www.epa.gov/compliance)

Small Business Ombudsman  
[www.epa.gov/sbo](http://www.epa.gov/sbo)

Innovative Programs for Environmental Performance  
[www.epa.gov/partners](http://www.epa.gov/partners)

